

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                             |   |                               |
|-----------------------------|---|-------------------------------|
| <b>DAVISON DESIGN &amp;</b> | ) |                               |
| <b>DEVELOPMENT, INC. ,</b>  | ) |                               |
| <i>Plaintiff,</i>           | ) |                               |
|                             | ) |                               |
| v.                          | ) | <b>CA No. 2:23-cv-644</b>     |
|                             | ) |                               |
| <b>MARIO SCORZA ,</b>       | ) |                               |
| <i>Defendant.</i>           | ) | <b>Judge Marilyn J. Horan</b> |

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**Defendant’s Exhibit 11**

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## Defendant's Exhibit 11

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIADAVIDSON DESIGN &  
DEVELOPMENT, INC.,  
*Plaintiff,*

v.

MARIO SCORZA,  
*Defendant.*§  
§  
§  
§  
§  
§  
§

Civil Action No.: 2:23-cv-00644-MJH

*Honorable Marilyn J. Horan*

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**AFFIDAVIT OF STACEY L. BARNES IN SUPPORT OF DEFENDANT'S  
PETITION FOR ATTORNEYS' FEES AND COSTS OF THE LITIGATION**

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I, Stacey L. Barnes, am an adult citizen of the State of Texas and am competent to testify as to the following matters based upon personal knowledge.

1. My name is Stacey L. Barnes, I am of sound mind, over twenty-one (21) years of age, have never been convicted of a felony or misdemeanor involving moral turpitude, and am personally acquainted with the facts herein stated and they are true and correct. I am a Senior Attorney of Kearney, McWilliams & Davis, PLLC ("the Firm") with office located at 55 Waugh Drive, Houston, Texas 77007. I received my J.D. from the University of Houston in 1998.
2. Attached hereto as Exhibits are true and correct copies of the following:

| EXHIBIT NO. | CONTENTS               |
|-------------|------------------------|
| Exhibit 1   | CV of Stacey L. Barnes |
| Exhibit 2   | Firm Invoices          |
| Exhibit 3   | Local Counsel Invoices |

3. For the past 24 years, my practice has consisted mainly of civil litigation and business transactions, including arbitration, commercial litigation, intellectual property and technology disputes, international business, as well as other civil trial matters. I am familiar with the types of fees, costs, and expenses incurred in complex, sophisticated matters such as this one.
4. I have been practicing continuously throughout the country in both state and federal courts, as well as before arbitration tribunals since 1998. I also have served as an arbitrator, as a member of AAA, ICDR and FINRA arbitration panels, in arbitrations seated across Texas and in other major U.S. cities. I am familiar with the level of practice, as well as the charges and the costs associated with the claims raised, in this and similar arbitration proceedings over this period of time. I am familiar with the rates charged in my locality, as well as in other major legal markets across the United States. As an attorney with over 24 years of experience, and as a Senior Attorney of Kearney, McWilliams & Davis, PLLC, I charge

## Defendant's Exhibit 11

\$425.00 an hour for legal services of the nature relating to this matter. Our associate attorneys charge \$215.00 - \$450.00 an hour for legal services.

5. I serve as lead counsel for Defendant Mario Scorza (hereinafter "Defendant") in the above-captioned civil action. A true and correct copy of my CV is attached as **Exhibit 1**. The attached Exhibits to this response and opposition are true and correct copies of the Exhibits submitted and filed in the underlying arbitration.
6. Attached hereto as **Exhibit 2** are detailed invoices containing the time, work, and description of the work performed on this case by the Firm's attorneys or paralegals. The invoices contain the amount of time and description of the work performed for the actual billing entries created in the normal course of business by the Firm on or about the date of each invoice. The billing entries in the invoices were entered by Firm attorneys or paralegals contemporaneous with the date of entry.
7. I was assisted by other attorneys with lower billing rates in an effort to minimize fees. The rates of the Firm's attorneys working on the case ranged from \$215.00 to \$425.00 per hour. The Firm's attorneys and their rates are as follows:

| ATTORNEYS                    | INITIALS | TIMEFRAME           | HOURLY RATE |
|------------------------------|----------|---------------------|-------------|
| Stacey L. Barnes             | SLB      | 04/20/23 – 08/23/23 | \$425.00    |
| William "Trey" Yarbrough III | WCY      | 05/01/22 – 08/23/23 | \$450.00    |
| Vikesh N. Patel              | VNP      | 05/05/22 – 08/23/23 | \$215.00    |
| LAW CLERKS                   | INITIALS | TIMEFRAME           | HOURLY RATE |
| Monica Garza-Hovel           | MGH      | 08/22/23 – 08/23/23 | \$150.00    |
| PARALEGALS                   | INITIALS | TIMEFRAME           | HOURLY RATE |
| Shannon Frizzell             | SVF      | 06/01/23 – 08/23/23 | \$160.00    |

This rate is consistent with the rates regularly charged and collected by the Firm for attorney and paralegal work in other comparable cases.

8. The rates charged reflect: the time, labor, novelty, difficulty, and skill required; the effect of working this case on other Firm employment; the fees charged in both this and other localities; the amount involved and results obtained; applicable time limitations; the nature and length of professional relationship; the experience, reputation, and ability of the lawyers; and the type of fee structure involved.
9. Litigation tasks were distributed according to the experience level of the attorneys, and our paralegal and other staff members were deployed appropriately. Some tasks required more than one attorney due to the complex nature of the legal issues or time constraints. However, Defendant's counsel were careful to avoid duplication.
10. Care was taken to include attorneys with lower billable rates to perform tasks commensurate with their experience such as research assignments, factual and legal

## Defendant's Exhibit 11

investigations, and drafting the first draft of certain pleadings, motions, correspondence, etc.

11. The hourly rates charged by the Firm's attorneys in this litigation are consistent with the rates regularly charged and collected by the Firm's attorneys in other comparable cases, as well as this locality and the locality of the seat of litigation.
12. I am familiar with the hourly rates for Houston, Texas and Pittsburgh, Pennsylvania area law firms comparable to the Firm. The Firm's attorneys are well-qualified, and their hourly rates are comparable to the prevailing market rates of attorneys practicing litigation and technology-related disputes in Houston. Based on my research and analysis of prevailing market rates in the community, as well as reviewing Pittsburgh firms for local counsel, the hourly rates charged by the Firm's attorneys and paralegal are moderately economical and less than the range of hourly rates charged by comparable attorneys in comparable cases. Rates at other firms in Houston or Pittsburgh for similar staffing are equal to or greater than the rates the Firm charged.
13. In connection with this litigation, the Firm performed all of the tasks reasonably necessary to successfully prosecute Defendant's claims in this matter. The fees, costs, and expenses the Firm billed Defendant in connection with this litigation are consistent with the Firm's ordinary and customary billing practices in similar lawsuits. The fees incurred by the Firm in this litigation are reasonable and are consistent with the fees regularly incurred and collected by the Firm in other comparable cases.
14. Other organizational and logistical matters, including the preparation of paper exhibits, the arrangement of accommodations, and the like were performed primarily by administrative or non-attorney staff.
15. The Firm has billed Defendant for attorney's fees in the amount of \$16,965.50 through June 2023. Defendant has paid those fees and is expected to pay all future fees. Pending and unbilled charges including July and August total \$1,217.00. We also project fees for the preparation of this response and supporting documents in the amount of \$16,805.00. Total attorneys' fees for this matter are thus projected to be \$34,987.50.
16. Our local counsel in Pennsylvania is Mr. John M. Meyers. Mr. Meyers has billed us and been paid in the amount of \$693.00. A true and correct copy of Mr. Meyers' invoice is attached as **Exhibit 3**. Mr. Meyers informs us that he will also bill us \$495.00, for his time in preparation of this response. The Defendant has paid the local counsel for his fees and will be expected to pay for future fees. Total fees for this local counsel will be \$1,188.00.
17. The Firm seeks an award of litigation related costs totaling \$36,385.50 as follows:

| <u>Costs/expenses related to the litigation</u>                |             |
|--|-------------|
| a. Attorney's fees for Confirmation/Vacatur action             | \$16,965.50 |
| b. Local Counsel fees billed and projected                     | \$1,188.00  |
| c. Court costs and expenses including pro hac vice application | \$210.00    |

Defendant's Exhibit 11

d. Projected and/or unbilled attorney's fees \$18,022.00

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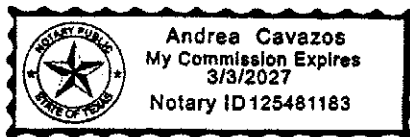
**Total: \$36,385.50**

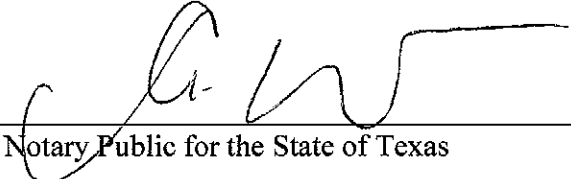
18. The Firm seeks an award of total fees and litigation related costs totaling **\$36,385.50**. All the fees, costs and expenses incurred in this case were reasonable and necessary under the circumstances. The Firm did not mark-up any of the fees, costs, or expenses sought.

I SOLEMNLY SWEAR AND AFFIRM under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Stacey L. Barnes

Sworn to and subscribed before me on the 23rd day of August, 2023 by Stacey L. Barnes.



  
\_\_\_\_\_  
Notary Public for the State of Texas

## Defendant's Exhibit 11

**STACEY L. BARNES**  
Kearney, McWilliams & Davis, PLLC  
55 Waugh Dr., Suite 150  
Houston, Texas 77007  
United States of America

Tel.: +1-713-936-9620 x121  
Fax: +1-832-413-5405  
E-mail: [sbarnes@kmd.law](mailto:sbarnes@kmd.law)

### **PROFILE**

I am a litigation and transactional attorney, concentrating my practice in the area of international business law, general business representation, corporate law, commercial litigation and arbitration, and intellectual property law. As a transactional attorney, I counsel clients regarding a variety of business transactions, from basic entity formation, and shareholder agreements, to complex cross-border acquisitions or distribution and licensing agreements. As a litigator, I have experience with cases ranging from simple collection matters to patent and trademark infringement cases, international trade secret litigation, and breach of commercial contract cases. I have advised business clients on legal matters involving Canada, Mexico, St. Lucia, Italy, Germany, Great Britain, Ireland, France, Belgium, Netherlands, Luxembourg, Sweden, Malta, Russia, Central African Republic, Republic of the Congo, Ghana, Saudi Arabia, India, Malaysia, Singapore, South Korea and the United States. I have worked for business law firms in Houston, Texas and Milan, Italy. I am available for appointment as an arbitrator for commercial, international, securities, and intellectual property cases.

### **WORK HISTORY**

Kearney, McWilliams & Davis, PLLC, Houston, Texas – Partner, 2018 – present  
University of Debrecen, Hungary – Visiting Professor, 2015-present

Partner, Lewis & Barnes, Houston, Texas, 2010-2018, Visiting Professor, University of Silesia, Poland, 2022 and 2018; Visiting Professor, Jagiellonian University, Poland, 2020; Visiting Professor, University of Pardubice, Czech Republic, 2016; Adjunct Professor, South Texas College of Law, Houston, Texas, 2008-2014; Partner, Hanszen Laporte, Houston, Texas, 2007-10; Partner, Barnes & Associates, PLLC, Houston, Texas, 2003-07; Associate Attorney, Broemer & Associates, LLC, Houston, Texas, 2001-03; Associate Attorney/Law Clerk, London & Schaeffer, LLP, Houston, Texas, 1997-01; Law Clerk, Dobson & Pinci, Milano, Italy, 1996.

### **EDUCATION & ACADEMIC**

University of Debrecen, Hungary – Visiting Professor, 2015-present  
Courses Taught: International Sales of Goods, International Arbitration

## Defendant's Exhibit 11

University of Silesia, Poland – Visiting Professor, 2022 and 2018  
Courses Taught: International Sales of Goods, International Merger, Acquisition, and Joint Venture Arbitrations

Jagiellonian University, Poland – Visiting Professor, 2020  
Courses Taught: Use of American Arbitration Rules in Europe

University of Pardubice, Czech Republic – Visiting Professor, 2016  
Courses Taught: International Sales of Goods

South Texas College of Law – Distinguished Lecturer/Adjunct Professor, 2008-2014  
Courses Taught: International Sales & Arbitration, Arbitration Law  
Coach: South Texas College of Law Vis international commercial arbitration team; South Texas College of Law Polish Court of Arbitration international commercial arbitration team; South Texas College of Law securities arbitration team; South Texas College of Law domestic commercial arbitration team

University of Houston Law School - Juris Doctorate (J.D.), *cum laude*, 1998  
University of Texas at Austin - Bachelor of Arts (B.A.), National Merit Scholar and NASA Fellowship Scholar, 1990

### **BAR ADMISSION**

- Supreme Court of Texas
- United States District Courts for the Northern, Western, Eastern and Southern Districts of Texas
- United States Court of International Trade
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Federal Circuit
- Appeared *pro hac vice* in state courts in Florida, Michigan and Montana, as well as United States District Courts for the Central District of California, District of Maryland, District of Utah, District of Wyoming, Southern District of Florida, and Eastern District of North Carolina

### **ARBITRATOR EXPERIENCE**

Member of the AAA Commercial, ICDR, ICC, European Centre for Dispute Resolution, FINRA, and City of Houston arbitration rosters. Served as single arbitrator, wing arbitrator, and chair of commercial arbitration panels. Arbitration subjects included international commercial loan collateralization, international shipping and logistics employee leasing, oilfield stimulation services, employment administrative services, real estate development projects, commercial real estate loans, professional services fees, government contracting, corporate governance, minority shareholder freeze out, corporate dissolution, business acquisition fraud, business acquisition representations and warranties, post-acquisition price adjustments, post-acquisition tax liability, commercial loan brokerage agreements, collateralized debt obligations, mutual fund administration, software service agreements, software royalties, breach of contract, breach of fiduciary

## Defendant's Exhibit 11

duty, construction services, covenants not to compete, trade secrets, securities fraud, branch office contracts, and executive compensation cases. Served as chairman of arbitration panel for claims between two large international financial institutions for multiple acts of unfair competition, tortious interference with contract and violation of non-competition covenants. Served as chairman of multiple international arbitration panels for claims involving securities options contracts and commercial loan securitization.

### **ARBITRATION ADVOCACY EXPERIENCE**

- Represented client in corporate dissolution of real estate company.
- Represented general contractor in multi-party international chemical plant construction arbitration. Obtained favorable confidential settlement for client.
- Represented trademark holder in international trademark licensing arbitration. Obtained emergency arbitrator injunction against international infringement and interference with licensing rights.
- Represented purchaser in medical services post-acquisition price adjustment arbitration. Obtained favorable settlement for client.
- Represented licensee in multi-party international software royalty arbitration proceeding. Obtained settlement with Chinese sub-licensee paying the great majority of amount in dispute.
- Represented Internet communications client in corporate governance and minority shareholder buy-out arbitration. Obtained favorable buy-out terms for client.
- Represented American investor in minority shareholder oppression arbitration proceeding against Canadian shareholder. Obtained favorable award in arbitration and confirmed award in U.S. federal court, pursuant to the New York Convention.
- Successfully represented e-commerce client in unfair competition and Internet trade secret arbitration. Obtained a dismissal of parallel suit in U.S. federal court seeking to enjoin the arbitration.
- Successfully appealed refusal to compel arbitration on behalf of manufactured housing client. Texas state appellate court reversed the trial court and compelled arbitration under the U.S. Federal Arbitration Act.
- Represented financial services client in commercial arbitration proceedings for breach of fiduciary duty and unfair competition claims, including anti-suit injunction proceedings seeking to enjoin parallel lawsuits brought in violation of arbitration clause.

### **LITIGATION ADVOCACY EXPERIENCE**

- American litigation experience includes a variety of commercial and corporate topics, including breach of contract, stock options, securities fraud, litigation for corporate control, minority shareholder oppression, insurance coverage, pipeline services, international petroleum development, unfair competition, securities fraud, international nano-technology development, international trademark licensing, trademark infringement, patent infringement, and trade secrets.



## Defendant's Exhibit 11

- Represented inventor and seller of lighting equipment in complex trademark and patent infringement suit seeking to shut down sales of client's new flagship product. Obtained a settlement giving client ability to continue sales and a cessation of opposing party's trademark infringement.
- Represented importer of steel mill in federal court litigation regarding environmental import controls. Obtained a TRO against the Department of Homeland Security's order requiring importing ship to return to port of origin. Obtained a settlement giving client opportunity to successfully remedy issue and import the steel mill in question.
- Represented international honey importer in complex, multi-party litigation in federal court, involving over \$100 million worth of claims for false designation of origin. Obtained a confidential settlement, with client paying smallest settlement of all defendants.
- Represented client in federal court litigation with formulation co-developer in trade secret, trademark, and international licensing dispute. Obtained a TRO and injunction against international trademark infringement and interference with international licensees. Obtained a settlement giving client ownership of all intellectual property in controversy.
- Represented client in federal court litigation involving trade secrets and copyright of geophysical oil and gas related software. Counter-party sought to enjoin all North American and Chinese licensing of software. Obtained a settlement giving client ownership of all technology at controversy.
- Represented investors in Texas state court litigation regarding Colombian petroleum development project. Obtained a confidential settlement on behalf of clients.
- Represented investor in complex federal receivership proceedings involving hundreds of offshore asset protection entities
- Represented former licensee in a complex trademark dispute in U.S. federal court. Obtained a confidential settlement allowing client to continue using all trademarks at issue.
- Represented client in international relocation employment contract dispute in Texas state court. Obtained jury verdict in favor of client.
- Represented dietary supplement company in biochemical patent and trademark suit in U.S. federal court. Obtained a halt of production of infringing product after a successful appeal to the U.S. Court of Appeals for the Federal Circuit.
- Obtained a dismissal of individual defendants in U.S. federal court litigation involving a beverage distributorship in Saudi Arabia.
- Represented oil services technology company in international trade secret litigation in Texas state court. Obtained a dismissal of foreign patent infringement counterclaims and a confidential settlement in favor of client
- Represented defendant in trademark infringement suit in U.S. federal court. Defeated a proposed injunction which would have halted a national new product rollout, and obtained a favorable settlement for client.
- Represented beverage company in trademark infringement suit in U.S. federal court. Obtained a jury verdict of intentional infringement of client's trademarks and an injunction halting infringement.

## Defendant's Exhibit 11

- Obtained a dismissal of all claims involving international carriage of goods against a transportation corporate client in Texas state court.

### **CORPORATE LAW EXPERIENCE**

Transactional and corporate law experience includes negotiating, drafting and implementing a variety of international and domestic transactions, including joint ventures, mergers, asset and share acquisitions, corporate reorganizations, entity conversions, licensing and distribution agreements, branch office agreements, service agreements, finder's fee agreements, shareholder agreements, construction contracts, government contracting, international sales of goods and services, organizing American entities and subsidiaries for foreign businesses, corporate compliance matters for a publicly traded company, general counsel duties, as well as organization and corporate governance for limited liability companies, corporations, partnerships, limited partnerships, limited liability partnerships, professional corporations and professional associations.

### **MEMBERSHIPS**

- Member - Chartered Institute of Arbitrators (MCIArb)
- Houston Bar Association (Corporate Counsel and International Law sections)
- State Bar of Texas (Business Law and International Law sections)
- American Bar Association (Business Law, International Law and Intellectual Property Law sections)
- Member Advisory Board - South Texas College of Law - Frank Evans Center for Conflict Resolution
- Member Advisory Board - Institute for Transnational Arbitration
- Vis Moot Alumni Association
- Italy-America Chamber of Commerce
- German American Chamber of Commerce
- Turkish American Association for Business
- Houston Young Internationals Group - Former Board Member and President

### **SPEAKING ENGAGEMENTS**

- HBA International Section, Risk Management & Mitigation in Transnational Contracts, Houston, Texas, 2019
- HBA ADR Section, 10 Pitfalls in International Arbitration, Houston, Texas, 2019
- Texas CLE, Merger and Acquisitions Arbitrations, The Woodlands, Texas, 2018
- U.S.-China International Business Network: Chinese Judiciary Training, Principles of Arbitration in the United States, Houston Texas, 2015
- Tbilisi State University, Intensive International Arbitration Training, Tbilisi, Georgia, 2013
- TSU/NCADR ADR Conference, IBA Rules Regarding Evidence and Conflicts: The Basics, Pros, and Cons of Their Use, Tbilisi, Georgia, 2013
- Houston Bar Association, Contracts for the International Sales of Goods,

## Defendant's Exhibit 11

- Houston, Texas, 2013
- EastWest Bank, Mediation, Arbitration, and Commercial Contracts, Houston, Texas, 2013
- International Section HBA, U.N. Convention on Contracts for the International Sales of Goods, Houston, Texas, 2013
- Center for International Legal Studies, Guidelines and Soft Law in International Arbitration, Salzburg, Austria, 2012
- Chartered Institute of Arbitrators YMG Meeting, Trends in International Arbitration - Presentation of Evidence, Dublin, Ireland, 2011
- NAFTA 2022 Meeting, Drafting Multi-Tier ADR Clauses, Houston, Texas, 2010

### **LANGUAGES**

English (native)  
Italian (conversational)  
Russian (working knowledge)  
Spanish (working knowledge)

## Defendant's Exhibit 11

# KEARNEY MCWILLIAMS & DAVIS

## ATTORNEYS AT LAW

Denver Fort Worth Houston San Antonio Sheridan  
Ph: (713) 936-9620 www.KMD.law Fax: (713) 936-9621

Checks preferred, scanned to admin@kmd.law or text/fax (713) 936-9622

Mail: 55 Waugh, Suite 150, Houston, TX 77007-6033

Zelle: Inception Law at payments@kmd.law

Bill.com ID: 0162733714595373, bill.com/network/kmdlaw

Wire/ACH to "Inception Law" in USD\$

Acct 586016183532; Routing 113000023; Wire 026009593

SWIFT BOFAUS3N, Bank of America, 222 Broadway, NYC, NY 10038

Mario Scorza  
2209 W. Bayshore Dr.  
Palacios, TX 77465-1455  
marumberto@aol.com

April 30, 2023  
25037-2

Re: Arbitration Collections  
Mario Scorza

| Fees:    |     |   | Hours       | Amount     |
|----------|-----|---|-------------|------------|
| 04/20/23 | SLB | Receipt and review Petition to Vacate Award; conference regarding same. | 1.1         | \$467.50   |
| 04/28/23 | SLB | Outline Motion to Confirm Award; legal research regarding [REDACTED]    | 2.8         | \$1,190.00 |
|          |     |   | Hours:      | 3.9        |
|          |     |   | Total fees: | \$1,657.50 |

### Attorney Summary

SLB Stacey L Barnes 3.9 hours at \$425.00 per hour

### Billing Summary

|                         |                   |
|-------------------------|-------------------|
| Previous balance        | \$0.00            |
| Payments & adjustments  | 0.00              |
| Current fees & expenses | 1,657.50          |
| <b>Total now due</b>    | <b>\$1,657.50</b> |

## Defendant's Exhibit 11

Matter No. 25037-2  
 Mario Scorza  
 Arbitration Collections

April 30, 2023  
 Page 2

**Aged Balance**

|          | Current    | 31-60  | 61-90  | Over 90 | Total      |
|----------|------------|--------|--------|---------|------------|
| Fees     | \$1,657.50 | \$0.00 | \$0.00 | \$0.00  | \$1,657.50 |
| Expenses | \$0.00     | \$0.00 | \$0.00 | \$0.00  | \$0.00     |
| Total    | \$1,657.50 | \$0.00 | \$0.00 | \$0.00  | \$1,657.50 |

**Charges To Date**

|          |            |
|----------|------------|
| Fees     | \$1,657.50 |
| Expenses | 0.00       |
| Total    | \$1,657.50 |
| Payments | \$0.00     |

## Defendant's Exhibit 11

# KEARNEY MCWILLIAMS & DAVIS

## ATTORNEYS AT LAW

Denver Fort Worth Houston San Antonio Sheridan  
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Checks preferred, scanned to admin@kmd.law or text/fax (713) 936-9622

Mail: 55 Waugh, Suite 150, Houston, TX 77007-6033

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Wire/ACH to "Inception Law" in USD\$

Acct 586016183532; Routing 113000023; Wire 026009593

SWIFT BOFAUS3N, Bank of America, 222 Broadway, NYC, NY 10038

Mario Scorza  
2209 W. Bayshore Dr.  
Palacios, TX 77465-1455  
marumberto@aol.com

May 31, 2023  
25037-2

Re: Arbitration Collections  
Mario Scorza

| Fees:    |     |  | Hours | Amount   |
|----------|-----|--|-------|----------|
| 05/01/23 | WCY | Meeting with SB and VP to discuss motion to vacate and MSJ   | 0.5   | \$225.00 |
| 05/05/23 | VNP | Research vacatur awards in the third circuit; Provide research to supervising attorney   | 1.0   | \$215.00 |
| 05/15/23 | VNP | Research on [REDACTED]   | 1.1   | \$236.50 |
| 05/23/23 | WCY | Reviewing case law for Pennsylvania and the 3rd circuit  | 0.7   | \$315.00 |
| 05/25/23 | WCY | Reviewing B.L. Harbert Int'l, LLC v. Hercules Steel Co., 441 F.3d 905 (11th Cir. 2006)   | 1.4   | \$630.00 |
| 05/26/23 | WCY | Reviewing case law [REDACTED]  | 1.9   | \$855.00 |
| 05/28/23 | WCY | Writing Answer to motion to vacate including public policy, abuse of the system, gaming the system, and requirement of sanctions | 0.9   | \$405.00 |

**Defendant's Exhibit 11**

Matter No. 25037-2  
 Mario Scorza  
 Arbitration Collections

May 31, 2023  
 Page 2

|          |     |   |             |            |
|----------|-----|---|-------------|------------|
| 05/29/23 | WCY | Writing 'Gaming the System'   | 2.0         | \$900.00   |
| 05/31/23 | WCY | Reviewing Frison in relation to the present matter; including appropriate citations | 1.1         | \$495.00   |
| 05/31/23 | WCY | Reviewing file history [REDACTED]   | 1.2         | \$540.00   |
|          |     |   | Hours:      | 11.8       |
|          |     |   | Total fees: | \$4,816.50 |

**Attorney Summary**

|     |                   |                                |
|-----|-------------------|--------------------------------|
| WCY | William Yarbrough | 9.7 hours at \$450.00 per hour |
| VNP | Vikesh Patel      | 2.1 hours at \$215.00 per hour |

**Billing Summary**

|                         |                   |
|-------------------------|-------------------|
| Previous balance        | \$1,657.50        |
| Payments & adjustments  | 0.00              |
| Current fees & expenses | 4,816.50          |
| <b>Total now due</b>    | <b>\$6,474.00</b> |

**Aged Balance**

|          | Current    | 31-60  | 61-90  | Over 90 | Total      |
|----------|------------|--------|--------|---------|------------|
| Fees     | \$6,474.00 | \$0.00 | \$0.00 | \$0.00  | \$6,474.00 |
| Expenses | \$0.00     | \$0.00 | \$0.00 | \$0.00  | \$0.00     |
| Total    | \$6,474.00 | \$0.00 | \$0.00 | \$0.00  | \$6,474.00 |

**Charges To Date**

|          |            |
|----------|------------|
| Fees     | \$6,474.00 |
| Expenses | 0.00       |
| Total    | \$6,474.00 |
| Payments | \$0.00     |

## Defendant's Exhibit 11

# KEARNEY MCWILLIAMS & DAVIS

## ATTORNEYS AT LAW

Denver Fort Worth Houston San Antonio Sheridan  
Ph: (713) 936-9620 www.KMD.law Fax: (713) 936-9621

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Bill.com ID: 0162733714595373, bill.com/network/kmdlaw

Wire/ACH to "Inception Law" in USD\$

Acct 586016183532; Routing 113000023; Wire 026009593

SWIFT BOFAUS3N, Bank of America, 222 Broadway, NYC, NY 10038

Mario Scorza  
2209 W. Bayshore Dr.  
Palacios, TX 77465-1455  
marumberto@aol.com

June 30, 2023  
25037-2

Re: Arbitration Collections  
Mario Scorza

| Fees:    |     |  | Hours | Amount   |
|----------|-----|--|-------|----------|
| 06/01/23 | VNP | Conference regarding arbitration award and motion to vacate; Strategize response to motion | 1.0   | \$215.00 |
| 06/01/23 | SVF | Review U.S. Western District Court of PA rules and procedures                              | 1.0   | \$160.00 |
| 06/08/23 | SVF | Prepare and email fee agreement with PA counsel to client for signature                    | 0.2   | \$32.00  |
| 06/08/23 | SLB | Arrange for local counsel retainer; telephone conference regarding same                    | 0.7   | \$297.50 |
| 06/09/23 | WCY | Reviewing [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED]                             | 0.5   | \$225.00 |
| 06/09/23 | SVF | Email PA attorney a copy of signed fee agreement   | 0.1   | \$16.00  |
| 06/09/23 | SVF | Research requirements for  | 1.5   | \$240.00 |



## Defendant's Exhibit 11

Matter No. 25037-2  
 Mario Scorza  
 Arbitration Collections

June 30, 2023  
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|          |     |   |     |            |
|----------|-----|---|-----|------------|
|          |     | applications for admittance to PA Western District  |     |            |
| 06/11/23 | WCY | Editing motion; providing public policy and counter-arbitration arguments; providing citations  | 3.0 | \$1,350.00 |
| 06/12/23 | SVF | Further coordination with attorneys to file motions for pro hac vice and reviewing local rules in further detail  | 1.5 | \$240.00   |
| 06/13/23 | SVF | Receipt and review of #7 Return of service; Calculate answer due date; review Register of Actions and confirm answer due date via PACER   | 0.5 | \$80.00    |
| 06/13/23 | SLB | Telephone conference regarding Answer Date  | 0.3 | \$127.50   |
| 06/20/23 | SVF | Draft timeline  | 1.3 | \$208.00   |
| 06/21/23 | WCY | Editing motion to dismiss; providing case references and citations; reviewing law reviews for supportive materials; including said materials                                      | 2.1 | \$945.00   |
| 06/22/23 | WCY | Reviewing and revising content; reviewing opposing counsels motion, legal basis and manipulation of the facts and applicable law; incorporating supportive and rebuttal materials | 2.0 | \$900.00   |
| 06/22/23 | VNP | Review Davison's pleading; Outline response   | 0.8 | \$172.00   |
| 06/23/23 | VNP | Research and review case law regarding vacating awards, attorneys fees, and interest; Draft   | 5.6 | \$1,204.00 |

## Defendant's Exhibit 11

Matter No. 25037-2  
 Mario Scorza  
 Arbitration Collections

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|          |     |  |     |            |
|----------|-----|--|-----|------------|
|          |     | sections regarding statutes and frivolous vacatur; Revise sections pertaining to manifest disregard for the law and attempt to game the system   |     |            |
| 06/26/23 | WCY | Finalizing motion; reviewing results with VP   | 1.3 | \$585.00   |
| 06/27/23 | SLB | Prepare Answer; review Complaint for same  | 0.7 | \$297.50   |
| 06/28/23 | WCY | Completing Pacer/ECF; affirming affidavit content and filing   | 1.0 | \$450.00   |
| 06/28/23 | WCY | Reviewing answer, denials and admissions   | 0.5 | \$225.00   |
| 06/28/23 | SVF | Prepare filed answer for file and update pleadings index   | 0.3 | \$48.00    |
| 06/28/23 | SLB | Prepare, revise, and finalize Answer; forward to local counsel; correspondence regarding same  | 2.4 | \$1,020.00 |
| 06/29/23 | VNP | Obtain Certificate of Good Standing for Texas; Review Motion and Affidavit for Admission Pro Hac Vice; Fill out pacer application for admission to Pennsylvania Western District; File motion and affidavit with Western District of PA            | 0.9 | \$193.50   |
| 06/29/23 | SVF | Assist attorneys with final preparation of filing documents for Motions for Pro Hac Vice, notarize affidavits, prepare file stamped copies for file; Receipt, review and prepare #10 SCHEDULING ORDER for file, calendar deadlines and update task | 2.3 | \$368.00   |

## Defendant's Exhibit 11

Matter No. 25037-2  
 Mario Scorza  
 Arbitration Collections

June 30, 2023  
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list

|          |     |  |     |          |
|----------|-----|--|-----|----------|
| 06/30/23 | SLB | File Pro hac Vice Applications for S. Barnes and V. Patel; revise materials for W. Yarbrough Application | 2.1 | \$892.50 |
|----------|-----|--|-----|----------|

|             |      |             |
|-------------|------|-------------|
| Hours:      | 33.6 |             |
| Total fees: |      | \$10,491.50 |

#### Attorney Summary

|     |                    |                                 |
|-----|--------------------|---------------------------------|
| WCY | William Yarbrough  | 10.4 hours at \$450.00 per hour |
| SLB | Stacey L Barnes    | 6.2 hours at \$425.00 per hour  |
| VNP | Vikesh Patel       | 8.3 hours at \$215.00 per hour  |
| SVF | Shannon V Frizzell | 8.7 hours at \$160.00 per hour  |

#### Expenses:

|          |     |  |          |
|----------|-----|--|----------|
| 06/29/23 | VNP | Western District Pro Hac Vice fee for Stacey Barnes, William Yarbrough, and Vikesh Patel | \$210.00 |
|----------|-----|--|----------|

|                 |          |
|-----------------|----------|
| Total expenses: | \$210.00 |
|-----------------|----------|

#### Payments & Adjustments:

|          |            |            |
|----------|------------|------------|
| 07/25/23 | Check 1052 | \$30.67 CR |
|----------|------------|------------|

|                               |            |
|-------------------------------|------------|
| Total payments & adjustments: | \$30.67 CR |
|-------------------------------|------------|

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#### Billing Summary

|                         |                    |
|-------------------------|--------------------|
| Previous balance        | \$6,474.00         |
| Payments & adjustments  | 30.67 CR           |
| Current fees & expenses | 10,701.50          |
| <b>Total now due</b>    | <b>\$17,144.83</b> |

## Defendant's Exhibit 11

Matter No. 25037-2  
 Mario Scorza  
 Arbitration Collections

June 30, 2023  
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**Aged Balance**

|          | Current     | 31-60      | 61-90  | Over 90 | Total       |
|----------|-------------|------------|--------|---------|-------------|
| Fees     | \$15,308.00 | \$1,626.83 | \$0.00 | \$0.00  | \$16,934.83 |
| Expenses | \$210.00    | \$0.00     | \$0.00 | \$0.00  | \$210.00    |
| Total    | \$15,518.00 | \$1,626.83 | \$0.00 | \$0.00  | \$17,144.83 |

**Charges To Date**

|          |             |
|----------|-------------|
| Fees     | \$16,965.50 |
| Expenses | 210.00      |
| Total    | \$17,175.50 |
| Payments | \$30.67 CR  |

Defendant's Exhibit 11

**ECKERT**  
S E A M A N S  
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC  
U.S. Steel Tower  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219

TEL 412 566 6000  
FAX 412 566 6099  
www.eckertseamans.com

MARIO SCORZA  
C/O STACEY BARNES, ESQ.  
SR. ATTORNEY  
KEARNEY, MCWILLIAMS & DAVIS, PLLC  
55 WAUGH DRIVE, SUITE 150  
HOUSTON, TX 77007

MATTER: 318626-00001

INVOICE: 1752062

JULY 11, 2023

PAYMENT DUE WITHIN 30 DAYS  
OF INVOICE DATE

REGARDING: DAVISON DESIGN AND DEVELOPMENT, INC.

|  |          |          |
|--|----------|----------|
| TOTAL FEES FOR PROFESSIONAL<br>SERVICES THROUGH: | 06/30/23 | \$693.00 |
|--|----------|----------|

|   |  |          |
|---|--|----------|
| TOTAL BILL AMOUNT FOR INVOICE # 1752062 |  | \$693.00 |
|---|--|----------|

PLEASE INCLUDE THE INVOICE # ON YOUR REMITTANCE AND MAIL TO:

ECKERT SEAMANS CHERIN & MELLOTT, LLC  
P.O. BOX 643187  
PITTSBURGH, PA 15264-3187  
TELEPHONE 412/566-6000 FACSIMILE 412/566-6099  
TAX I.D. #25-1056909

## Defendant's Exhibit 11

**ECKERT**  
**SEAMANS**  
 ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC  
 U.S. Steel Tower  
 600 Grant Street, 44th Floor  
 Pittsburgh, PA 15219

TEL 412 566 6000  
 FAX 412 566 6099  
 www.eckertseamans.com

MARIO SCORZA  
 RE: DAVISON DESIGN AND DEVELOPMENT, INC.  
 JULY 11, 2023  
 PAGE: 2

CLIENT: 318626  
 MATTER: 318626-00001  
 INVOICE: 1752062 JJM

| DATE     | ATTY | DESCRIPTION   | HOURS  |
|----------|------|---|--------|
| 06/26/23 | JJM  | EMAIL EXCHANGE WITH COUNSEL REGARDING FILING OF ANSWER; REVIEW COMPLAINT AND BRIEF REVIEW OF EXHIBITS TO COMPLAINT; REVIEW AND MAKE MINOR CORRECTIONS TO DRAFT ANSWER AND FILE WITH DISTRICT COURT; EMAIL TO COUNSEL, CONFIRMING FILING | 1.10   |
| 06/29/23 | JJM  | DRAFT DISCLOSURE STATEMENT REQUIRED BY RULE, 7.1.(A)(2); EMAIL EXCHANGE WITH COUNSEL REGARDING CITIZENSHIP OF DEFENDANT; FILE DISCLOSURE  | 0.30   |
|          |      | FEES:   | 693.00 |

## TIME SUMMARY

| TIMEKEEPER  | HOURS | RATE   | AMOUNT   |
|---|-------|--------|----------|
| JOHN J MYERS  | 1.40  | 495.00 | 693.00   |
| TOTAL FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH: 06/30/23 |       |        | \$693.00 |
| TOTAL BILL:   |       |        | \$693.00 |